

MINUTES

RANDOLPH COUNTY PLANNING BOARD

July 12, 2005

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, July 12, 2005, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Maxton McDowell** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice Chairman, present; Lynden Craven, present; Larry Brown, present; Phil Ridge, absent; Chris McLeod, present; Jim Rains, present; and Reid Pell, Alternate, (substituting for regular member Phil Ridge) present. County Attorney Alan Pugh was present for this meeting.
3. **Rains** made the motion, seconded by **Craven**, to approve the Minutes of the June 7, 2005 County Planning Board Meeting. The motion passed unanimously.
4. **REQUESTS FOR PROPERTY REZONING:**
 - A. **DONALD LANIER**, Asheboro, North Carolina, is requesting that 16.47 acres located on the southwest corner of the Tot Hill Farm Road and Hwy 49 South intersection, Cedar Grove Township, be rezoned from Residential Agricultural to Highway Commercial. Tax ID# 7629335301. Secondary Growth Area. It is the desire of the applicant to use the property for commercial development.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was not in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be denied for a straight rezoning. The Technical Review Committee would recommend a Conditional Use Zoning which would allow buffering requirements and specific plans to be considered. The Technical Review Committee considered the following issues:

***no commercial zoning districts within a mile radius of the property*

*****the large tract size
located on a major thoroughfare*

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 4.1 Commercial development should be encouraged to occur in clusters or planned shopping centers to minimize the proliferation of “retail strip” locations.

Policy 4.2 Highway oriented commercial uses should be clustered along segments of arterial streets and contain land uses that are mutually compatible and reinforcing in use and design. They should be designed in a way that minimizes signage, access points and excessive lengths of commercial strip development.

Donald Lanier was present and explained that the property is fronting on a proposed 4-lane highway. Lanier said there has been an area of the property approved for a septic system for a 2,000 gallon per day system. Lanier said he had a private soil scientist evaluate the property. Lanier said he felt if he had asked for a specific use he would need to be back before the board in the future. Lanier said that he was just asking for a general highway commercial use.

Johnson said that the vast majority of the requests the Board receives in these rural areas are conditional use. Johnson said without any specific controls relating to buffers, etc., there may not be appropriate oversight by the County. Johnson said the conditional use is an opportunity for an applicant to provide a specific plan to the County to minimize the effect of commercial development to residential properties. Lanier said if he was asking for a convenience store or a multi-unit retail building he may possibly be back in the future. Lanier said he is only willing to restrict against manufacturing or industrial uses. Lanier said he felt the property would probably allow only 1 building of an approximate size of 2,000 to 3,000 sq. ft. Lanier said that only the front 500 ft. x 500 ft. area of the property is usable. Lanier said there is a drainage/watershed area in the middle of the property and the remaining 1/3 of the property would be used for the septic system. Lanier said he would like to have a commercial building without being restricted to a specific use. Lanier said it could be an auto sales lot, convenience store, etc. Lanier said he would be willing to agree to buffers. Lanier said he understands and respects the concerns of the Board, but he felt a general request would keep him from coming back in the future. **McDowell** asked Lanier if the largest business would be only a convenience store or possibly more stores included. **Lanier** said that the septic system would limit the amount of commercial activity. Lanier said the septic system and usable space would cater

to a building of an approximate size of 4,000 sq. ft.

There was no one present in opposition to this request.

Chris McLeod said he would be for this request because he felt commercial properties were needed in this area.

Dorsett said he would be happy with the request if Lanier would add appropriate buffers. Dorsett said buffers could not be added unless it was a conditional use rezoning. Dorsett said he would be hesitant to rezone without buffers.

Alan Pugh said he did understand the possible marketing problems of the property. Pugh said a condition that could be offered would be approval subject to site plan approval by the Planning Board to consider buffers, signage, etc. Pugh said that this is a secondary growth area and the Board's decision on this property will have a bearing on any property in this intersection. **McDowell** said that there is a demand for development in this intersection. McDowell said that there are people that would like to see this occur. **Pugh** said that once you start approving requests in this intersection you set a precedent and, therefore, you should take careful consideration.

Rains asked if there were activities in highway commercial that you would not want. **Johnson** said that anything that would be permitted in this district could be allowed, including such uses as automotive repair, etc. **McDowell** said that he thought this particular area would be used for retail establishments instead of car repair, etc. **McLeod** said that he felt properties for commercial properties were needed in this area.

Lanier asked if he could change his request to restrict to retail sales only and no automotive repairs. **Pugh** told Lanier that he could offer any conditions under a conditional use request.

Lanier asked for his request to be changed to a conditional use request for retail sales only and appropriate buffer criteria to be worked out before the Commissioners' meeting. Lanier said there are areas for 100 ft. leyland cypress plantings and some areas for no-cut buffers.

Pugh said that once a decision is made on this corner of the intersection, it sets a precedent for the remaining three corners. **Craven** said these conditions will protect all four corners of the intersection.

McLeod made the motion, seconded by **Craven**, to recommend to the Commissioners that this amended request be **approved** with the conditions of retail sales only and appropriate buffers to be approved by the Technical Review Committee prior to development.

Dorsett said he would be comfortable allowing the Planning Staff to approve appropriate buffers.

The motion passed unanimously.

- B. **KAREN LOWE**, Liberty, North Carolina, is requesting that 2.10 acres located on Bowman Dairy Road, Liberty Township, be rezoned from Residential Restricted to Residential Agricultural/Conditional Use. Tax ID# 8718834735. Secondary Growth Area. The Conditional Use Zoning District would specifically allow a single-wide mobile home to be located on the property.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be approved as consistent with existing land uses.

Lowe was present and explained her intention to replace an existing single-wide mobile home. Lowe said there have been single-wide mobile homes on this property for the past 30 years. Lowe said her son recently married and has purchased a single-wide mobile home for this property.

There was no one present in opposition to this request.

Johnson said this request is consistent with existing development.

Craven made the motion, seconded by **Rains**, to recommend to the Commissioners that this request be approved. The motion passed unanimously.

- C. **JANET SMITH & PEGGY HAWKINS**, are requesting that 10.90 acres located on the corner of Wicker Lovell Road/Laughlin Road, Franklinville Township, be rezoned from RA to CVOE-CU. Tax ID# 7773856525. The proposed Conditional Use Zoning District would specifically allow the development of a 10-lot residential subdivision for site-built homes only with a minimum house size of 1,500 sq. ft.

- **Neighborhood Information Meeting Summary**

There were 3 citizens present concerning this request. There was no explicit opposition to the proposed development; however, there was

concern expressed about additional traffic and especially about the existing traffic exceeding the current speed limit.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be approved. The committee felt the proposal would be an asset to the community.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 6.5 *The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long-term quality of life in Randolph County.*

Policy 6.13 *Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.*

Mark Terry, Surveyor, was present for this meeting. Terry said a private soil scientist has reviewed the property. Terry said the soil report was used in developing the layout of the proposed lots. Terry said they are proposing lot frontages of 160+ ft. and each lot is approximately 1 acre. Terry said that the minimum house size would be 1,500 sq. ft. Terry reviewed the proposed restrictive covenants.

Doris Cain, 1940 Wicker Lovell Road, said she is a life-long resident of this area. Cain discussed water problems in the area. Cain said their well went dry years ago and had to be replaced. Cain said that several wells in the area have gone dry or had bad water. Cain said their greatest concern is for their already taxed water supply. Cain said the County requires water critical areas to have 80,000 sq. ft. Cain said they would not be opposed to 5 lots instead of 10 lots. Cain said this proposed development is not in character with this rural community. Cain said they would request a reduction to 5 lots. **McLeod** asked Cain how long she used their well before it went dry. **Cain** said that her well went dry in December, which is not normally the time of year.

David Corder, 1737 Laughlin Road, said their road will not support this many

new residences. Corder also discussed the water problems.

Carson Cox, 1907 Wicker Lovell Road, said he agreed with Ms. Cain. Cox talked about the water problems and said he didn't think this area should be turned into a city.

Stacy Wicker, Wicker Lovell Road, discussed the water problems. Wicker said that the lot sizes would not be compatible to the area.

There were 27 people were present in opposition to the request.

Lorelei Loreth, 1903 Wicker Lovell Road, talked about the poor smelling water in their well. Loreth described all the work she has done to try to fix her water problems. Loreth said she has had to pay \$3000 for a water filtering system to correct her water problem. Loreth said she was told the bacteria is in the ground water and not just an individual well problem.

Johnson said that there are designated rural growth areas in Randolph County and the minimum lot size is 3 acres there. Johnson said that unfortunately this is not a rural growth area. Johnson said water critical areas were mentioned, but this is not a water critical area. Johnson said that a water critical area is those areas ½ mile from reservoirs. Johnson said that is a State classification dealing with public water supplies. Johnson said that this request could set a precedent in this community. This would encourage this type of housing for future subdivisions.

Dorsett asked if there was any responsibility on the part of the developer to make the buyer aware of water problems in an area. **Pugh** said he really didn't know, but he didn't think there would be. **Rains** said that he thought the real estate business would have to describe what is known and without a well on the property it would not be known. **Johnson** said a couple of years ago we had a request where a condition was placed on the property that required the Health Department to approve a well as a potable water source prior to building permits being issued.

Terry said that there are water companies that sell systems to condition water. Terry said he felt it would be a dangerous precedent to require a developer to drill wells before the building permits are issued.

Dorsett said he felt the subdivision does meet all the requirements. **Craven** said the County can't deny the request due to potentially smelly water.

Dorsett made the motion, seconded by **Craven**, to recommend to the Commissioners that this request be **approved**. The motion passed by a vote of 5 to 2, Rains and Brown voted against the motion.

5. The meeting adjourned at 7:44 p.m. There were 36 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary